

11. **ISSUE: LARRY BLACK ATTEMPTED TO COERCE OR INFLUENCE
LIEUTENANT RICH BURDEN NOT TO PROSECUTE PHOENIX COYOTES
PLAYER BRAD MAY, WHO ASSAULTED BURDEN AT A SCOTTSDALE
NIGHTCLUB – SUBJECT: BLACK**

Director Larry Black

B10A. Allegedly, in or about April, 2002, Director Larry Black attempted to coerce and convince Lieutenant Rich Burden not to file charges against Coyotes hockey player Brad May, after May had assaulted Burden, who was working in an off-duty capacity at the Cat Eye nightclub. The motivation for Black was his friendship with the then-owner of the Phoenix Coyotes, Steve Ellman. Reportedly, Black suggested that Burden would receive season tickets to the Phoenix Coyotes hockey games if he did not seek prosecution.

MUNNELL'S WRITTEN ACCOUNT

Larry Black attempt to coerce Deputy Rich Burden not to prosecute Phoenix Coyotes player Brad May who assaulted Burden at a Scottsdale nightclub.

In April of 2002, Deputy Burden was working off duty at the Cat Eye nightclub in Scottsdale when Phoenix Coyotes team member Brad May became disorderly after him and his friends were not allowed to enter the club without paying a cover charge. May who had a reputation in the NHL and in public for starting fights became unruly and when Burden attempted to arrest him, punched Burden almost knocking him unconscious. Charges were filed and the case made local news, in fact, you were quoted as saying "the reason I'm giving special attention to this is this is an assault on one of my Deputies."

However, due to Black's personal relationship with then Coyotes team owner Steve Ellman, Black met with subordinate Burden and aggressively pressured Burden not to prosecute. He pressed Burden by saying that it wasn't a big deal and even offered to get Burden season hockey tickets. However, Burden defied Chief Black and was adamant that he was going to prosecute. Ultimately May was convicted for the assault and has yet to pay any restitution to Burden as ordered by the court. Adding insult to injury, only months after May assaulted Burden, Steve Ellman gave you a hockey stick signed by May as a seventieth birthday present.

The direct actions taken by Black to coerce a subordinate to drop felony aggravated assault charges against a popular sports figure through intimidation and bribery are at the very least unethical and unconscionable, and more than likely a violation of state law.

WITNESSES LISTED BY MUNNELL

Lt. Rich Burden	Pressured to drop charges by Black.
Director Larry Black	Principal
Deputy Chief Frank Munnell	Advised of matter by Burden.

NARRATIVE SUMMARY

1 Deputy Burden was working off duty at the Cat Eye nightclub and was punched by Brad
2 May. Black was friends with the owner of the Coyotes, Steve Ellman, and attempted to
3 coerce and bribe Burden not to press charges against May. Burden defied Black and
4 pressed charges and May was convicted of assault.

5
6 **WITNESS ACCOUNTS**

7
8 **Frank Munnell**

9
10 Munnell's source of information relating to this issue is Lt. Richie Burden. Munnell's
11 information relating to this allegation is set forth in pp. 45-47, Exhibit II 28b.

12
13 **Loretta Barkell**

14
15 Loretta Barkell has no firsthand information concerning these events, and has never
16 spoken to Rich Burden or Larry Black about that.

17
18 **Richie Burden**

19
20 Lt. Burden's recollection about his contact with Chief Larry Black, after he had been
21 assaulted by Brad May of the Phoenix Coyotes, was as follows.

22
23 A: After the incident took place at the night club, I was, I went down to the
24 office and began writing my report. My office is right off the Sheriff's door.
25 Outside. And as I was writing my report, my office is just over the, just a little
26 bit bigger than a closet. Anyways, this man appeared at my door, named Chief
27 Larry Black, and he opened up, well my door was pretty much either open or
28 partially opened. He walked in and shut the door behind him. The gist of the
29 conversation was, he wanted me to either minimize or have the report go away
30 and in turn, that he knew somebody that could get me box seats for a year to the
31 Coyote's games. And I was past appalled, but I did tell him I'm not a hockey fan.
32 Never have been, never will be. And that I'm going to have this guy prosecuted
33 to the full extent of the laws, as far as I can, with the felonies. And he said a
34 couple other times, you know, I mean I can get these tickets for you. Are you
35 kidding me? I think he said sweet tickets, like these are really sweet tickets. Not
36 suite tickets. (P.17, Exhibit II46)

37
38 There was no question in Burden's mind that Black was suggesting that Burden would
39 get season tickets if he did not press the prosecution of Brad May. He did not say how
40 many, but he understood that these were going to be season tickets for a full year. He
41 did not recall if, by that point in time, the hockey season had already started.

42
43 The meeting took place on the morning following the assault by May. The assault took
44 place, according to Burden, around 1:00 or 2:00 AM, so the encounter with Black
45 occurred, Burden advises, at approximately 8:00 or 9:00 in the morning.

1
2 When asked for more specific information about what Black had said, Burden provided
3 the following information.

4
5 A: Pretty much told me that hey, I can't give you verbatim, but the gist what
6 he said to me was something, hey, you know, the gist of it was if I make the
7 report go away, how he said it I don't know. I got the, I got the vibe from him.
8 That he would get me season tickets or sweet tickets, suite year-round tickets, or
9 something like that. Suite tickets for a year. And I told him I'm not into hockey
10 and I'm prosecuting him to the full extent. There's no way I'm going to drop
11 these charges. And he said, look, you don't understand, these are a year's worth
12 of tickets. You know what they're worth? I said, I don't care what they're worth.
13 He looked at me really disgusted, opened up the door and slammed my office. So
14 I stood up, 'cause I'm a little pissed now. I open up my door and I look out and
15 he's walking off down the hall. I don't even know where his office was at that
16 time. But down the hall he went. And I didn't give a shit. Excuse my language.
17 So, all the felonies got dropped to a Class 3 misdemeanor, without my approval.
18 And I'm the victim. I had another Deputy named Todd Whitney, was the case
19 agent on that, because I am a victim in this, and I'm just writing a supplement to
20 what happened to me, and I think I mentioned something to Todd Whitney at that
21 time, but I don't recall. And Todd and I, I don't think have ever talked about that,
22 but he works now for Goodyear PD. Goodyear? Yeah, Goodyear PD. (P.18-19,
23 Exhibit II46)

24
25 Burden indicated that he shared with Todd Whitney, who used to work for MCSO, and is
26 now employed by Goodyear PD, his conversation with Black, but he was not certain.

27
28 According to Burden, May was originally charged with two counts of aggravated assault
29 against Burden and Todd Whitney, the charges were eventually reduced to one Class 2
30 misdemeanor. Burden ended up suing May civilly.

31
32 **Jack MacIntyre**

33
34 MacIntyre recalls that at some point in the aftermath of the event, Burden, who was
35 obviously irritated, stated, "They don't want me to pursue this," and MacIntyre assumed
36 that Burden meant criminally and civilly, but Burden did not say who "they" were or
37 mention Black's name.

38
39 **Brian Sands**

40
41 Sands acknowledged that Burden is a close friend of his, and they've had a number of
42 conversations. What Sands recalls about the situation is as follows.

43
44I remember Larry Black mentioning to a group of us that Burden was suing
45 Brad May, and he didn't think that was right and that Steve Ellman was really

1 mad about this and this was going to hurt relationships with Ellman. I was
2 thinking, you know at the time I was thinking, you know that just, Ellman's a
3 friend of mine as much as he's a friend of Larry Black, and it just didn't sound
4 right. 'Cause Ellman's got bigger fish to fry, so to speak. He's a big
5 businessman, big developer. I can't see him getting upset about that. But I
6 always remembered that comment, because of that. And, maybe about a year ago
7 I cornered Ellman, and I said, Steve, I said, I have a problem, I said, you shouldn't
8 have an issue with Burden over this deal with Mark May. And Ellman said, what
9 are you talking about? I said, well, you're not pissed at Burden because he sued
10 the Coyotes and he said no, I didn't know about it. (p. 52, Exhibit II33)

11
12 Sands did not recall Burden ever mentioning that Black had attempted to convince or
13 coerce or induce him not to follow suit, or proceed with a criminal action against Brad
14 May, by offering Burden tickets. He has no knowledge as to whether Black did or did
15 not make any such statements to Burden, only that Burden did not mention such a
16 conversation with Black.

17 18 **Don Schneidmiller**

19
20 Don Schneidmiller has first-hand information about this, but did confer with Richard
21 Burden, who indicated that "they" were attempting to get him to back off on charges
22 against Brad May. In his conversations with Burden, Rich did not identify who was
23 making this effort, and not did he specifically mention Black or Hendershott. He also did
24 not indicate in that conversation whether he had been offered an inducement of tickets
25 or season tickets to Coyotes hockey games.

26 27 **Larry Black**

28
29 Black claims that the day after Burden was assaulted by Brad May, Burden was in the
30 office and was "strutting around there," about how he had "taken care of" Brad May the
31 night before. Larry, hearing this, says that he cautioned Burden about saying that,
32 because Brad May was a "legitimate tough guy" in hockey, and was a "fighter" in the
33 NHL. Black told Burden that if Burden had "kicked Brad May's ass" as Burden had
34 stated, "you would have marks." (p. 94, Exhibit II7a)

35
36 Black says that Steve Ellman is a friend, but Ellman doesn't give out season tickets.
37 (Larry Black questioned why this allegation was even under investigation.) Ultimately,
38 the team asked Black whether he had offered season tickets to Rich Burden if Burden
39 would not seek prosecution. Black added that he would not have had the authority to
40 make such an offer, because Ellman does not give out season tickets.

41
42 During the second interview of Larry Black, Black indicated that he may have made
43 some sort of a comment, which has been attributed to him, in connection with the civil
44 case, but not the criminal case. As he put it,
45

1This was relative to a civil case and once the civil case took place, there was a
2 lot of comments made. I don't know if I said anything about, I, I, I could've very
3 well said, you know, are you going to settle for season tickets or something like
4 that? I don't know. That would've been a very easily comment, although I would
5 never have been able to offer them from Steve Ellman, nor would Steve Ellman
6 would've done that. In the criminal case, Steve Ellman wouldn't had no influence
7 to it because he was not, I mean, this was a matter of a criminal matter between a
8 player and the Deputy, and not the team, which is what Steve Ellman was. But
9 when a lawsuit comes about, involves more of the team. And so, those kind of
10 conversations could've taken place, but I never asked Steve Ellman. Steve
11 Ellman never asked me to offer season tickets. There was, there could've very
12 well been a, a, a, in a joke of some sort made at the time, cause I remember when
13 the lawsuit came out, even the Sheriff said to me, "What are we suing this guy
14 for?" I mean, there was, there was discussion all over the place about relative to
15 this being a civil case suing him. Now, on the criminal case, I didn't tell him to
16 offer season tickets so that he would dismiss the case. Absolutely not. And the
17 second part about that is, in every instance, and once you even have engaged in
18 some banter back and forth, I have backed up my people in the, in the decisions
19 that they've made and I have continually backed up my people when they do.
20 This particular thing, I'm going to back the Deputy based on what happened here
21 because he felt like he was assaulted. Now, relative to the rest of it is, if he's
22 saying things that I think are out of character or which we, he would later become
23 embarrassed about, I would add that influence, but I would never have him
24 dismiss a case or put in us, you know, the Sheriff's Office, in a civil matter to
25 where then, Brad May can turn around and sue us backwards. Absolutely not. In
26 a civil case where he was suing him, I very well could've made that comment,
27 although I don't have a direct recollection to it. But I jogged my memory. I
28 thought, "Wait a minute. There was 2 cases involved of this, not just 1, and that's
29 the point of that. (p. 3, Exhibit II7b)

30
31 Black acknowledges that he may have had discussions with Burden relating to the civil
32 case. As he put it, "I know that there was a lot of discussions about the civil case," and
33 he does remember saying something to Burden like, "you don't really think you're going
34 to collect on this guy." Black's thought was that May resided in Canada. Black went on
35 to say, "I actually do not remember my whole conversation on the civil. I know, in fact,
36 the criminal, I didn't tell him anything relative to dismissing it or offering tickets or
37 anything else." He has no recollection of the subject of season tickets or tickets being
38 brought up in his discussion or discussions with Burden. Black acknowledged that he
39 could have said, "the best you may get out of this is season tickets," thinking at the time
40 that Burden was not going to be able to sue May, because he had had a hard time
41 serving him. (p. 5, Exhibit II7b) He denies offering tickets or season tickets to Burden.
42 Black also denies ever having discussed with Steve Ellman the lawsuit filed by Burden.

43
44 The following further discussion took place on the subject.
45

1 Q: Right. Well, I guess what I'm asking you, is it possible that you may have
2 said what apparently Burden has attributed to you that you were encouraging him
3 to dismiss the civil action or not pursue the civil action or the criminal action in
4 return for season tickets?

5 A: Or that, that may be all that he would get. Yes, very possible. I mean,
6 again, I, I remember the part about him going to Canada and I remember that he
7 was going to have a hard time serving him and...

8
9
10 Q: Your point about that is that he might get season tickets out of it.

11 A: Yeah. In, in other words, I don't, I don't think they're ever going to
12 collect from the guy, okay? Ultimately, he did, as I found out later and I didn't
13 know that. But at the time, I know that they had a hard time serving him and he
14 was gone and, you know, all that kind of stuff. (pp. 5-6, Exhibit II7b)

15 Q: Okay. And just to be clear about this, is it possible that you may have
16 made a statement that Burden could have reasonably interpreted as you
17 suggesting that he would get season tickets or you could facilitate him getting
18 season tickets if he didn't prosecute civilly?

19 A: Okay. It is possible that he could've gotten season tickets if he settled
20 civilly, not that I would have facilitated it. I didn't have the authority, nor would I
21 have done that. (p. 7, Exhibit II7b)

22
23
24
25
26 **David Hendershott**

27 Hendershott did not appear to have any direct knowledge about this. He did say that
28 Larry Black was "like the biggest hockey fan on the planet Earth," Hendershott indicated
29 that he heard something about it, but he believes that it may have concerned the
30 decision by Burden to pursue Brad May civilly. Hendershott was approached by Burden
31 at one point, and asked if there would be any issue for the Sheriff's department did sue
32 Brad May, and Hendershott told Burden to do what he needs to do. (p. 50, Exhibit
33 II16c)
34
35